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**Republic of Korea
and
Indonesia**

**Treaty on Extradition between the Republic of Korea and the Republic of Indonesia.
Jakarta, 28 November 2000**

Entry into force: *16 November 2007 by notification, in accordance with article 21*

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**République de Corée
et
Indonésie**

**Traité d'extradition entre la République de Corée et la République d'Indonésie. Jakarta,
28 novembre 2000**

Entrée en vigueur : *16 novembre 2007 par notification, conformément à l'article 21*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY ON EXTRADITION
BETWEEN
THE REPUBLIC OF KOREA
AND
THE REPUBLIC OF INDONESIA**

The Republic of Korea and the Republic of Indonesia (hereinafter referred to as "the Parties");

Desiring to provide for more effective cooperation between the two countries in the prevention and suppression of crime, and to facilitate relations between the two countries in the area of extradition by concluding a treaty for the extradition of offenders;

Have agreed as follows:

Article 1

Obligation to Extradite

1. Each Party agrees to extradite to the other, in accordance with the provisions of this Treaty, any person who is wanted in the Requesting Party for prosecution or trial or imposition or execution of punishment for an extraditable offence.
2. Where the offence has been committed outside the territory of the Requesting Party, extradition shall be granted where the law of the Requested Party provides for the punishment of an offence committed outside its territory in similar circumstances. Where the law of the Requested Party does not so provide, the Requested Party may, in its discretion, grant extradition.

Article 2

Extraditable Offences

1. For the purpose of this Treaty, extraditable offences are offences which, at the time of the request, are punishable under the laws of both Parties by deprivation of liberty for a period of at least one year or by a more severe penalty.

2. Where the request for extradition relates to a person sentenced to deprivation of liberty by a court of the Requesting Party for any extraditable offence, extradition shall be granted only if a period of at least six (6) months of the sentence remains to be served.

3. For the purpose of this Article, in determining whether an offence is an offence against the laws of both Parties:

- (a) it shall not matter whether the laws of the Parties place the conduct constituting the offence within the same category of offence or denominate the offence by the same terminology;
- (b) the totality of the conduct alleged against the person whose extradition is sought shall be taken into account and it shall not matter whether, under the laws of the Parties, the constituent elements of the offence differ.

4. Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, foreign exchange control or other revenue matters, extradition may not be refused on the grounds that the law of the Requested Party does not impose the same kind of tax or duty or does not contain a tax, duty, customs or exchange regulation of the same kind as the law of the Requesting Party.

5. If the request for extradition refers to several offences each of which is punishable under the laws of both Parties, but some of which do not fulfil the other conditions set out in paragraph 1 and 2 of this Article, extradition may be granted for the offences provided that the person is to be extradited for at least one extraditable offence.

Article 3

Territorial Application

1. A reference in this Treaty to the territory of a Party means:

- (a) the territory under the sovereignty of a Party and the adjacent seas over which that Party exercises sovereignty consistent with the 1982 United Nations Convention on the Law of the Sea;
- (b) other adjacent seas and the continental shelf over which that Party exercises sovereign rights or other rights in accordance with the 1982 United Nations Convention on the Law of the Sea, but only in relation to the exercise of those sovereign rights or other rights;
- (c) vessels and aircraft owned by national of a Party or registered in a Party if any such vessel is on the high seas or if any such aircraft is in flight when the act or omission constituting the offence for which extradition is requested takes place.

2. For the purpose of this Treaty, an aircraft shall be considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation.

Article 4

Mandatory Refusal of Extradition

Extradition shall not be granted under this Treaty in any of the following circumstances:

- 1. when the Requested Party determines that the offence for which extradition is requested is a political offence or an offence inspired by political motive. Reference to a political offence shall not include the following offences:
 - (a) the taking or attempted taking of the life or an attack on the person of a Head of State or Head of Government or member of his or her family;